REMARKS

The present amendment is submitted in response to the Office Action dated June 23, 2009, which set a three-month period for response, making a response due by September 23, 2009.

Claims 1-24 are pending in this application.

In the Office Action, claims 1, 4, and 24 were objected to for various informalities. Claims 1-15, 17-22, and 24 were rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,456,222 to Agne in view of U.S. PG Pub 2003/0099176 to Okada. Claim 16 was rejected under 35 U.S.C. 103(a) as being unpatentable over Agne and Okada as applied to claim 4 and further in view of U.S. Patent No. 6,736,062 to Frank et al. Claim 23 was rejected under 35 U.S.C. 103(a) as being unpatentable over Agne and Okada as applied to claim 10 and further in view of U.S. PG Pub 2001/0018872 to Tokiwa.

In the present amendment, claims 1, 4, and 24 have been amended to address the objections.

Claims 1 and 24 have been further amended to define the invention over the newly cited references by reciting that *said pulse train includes a set of correlated pulse trains, wherein said set of correlated pulse trains are configured to indicate a direction of a movement, increase reliability, and define a zero point.* Support for this limitation can be found in the specification on page 7, lines 20-24 and in Fig. 6.

Neither Agne nor Okada disclose 1) a pulse train in the form of output signals ($I(t)$; $I_0(t)$); 2) at least one circuit configured to generate said out put signals that are parameterized with regard to a number of pulses per rotation ($n/2\pi$) and an assignment to one of the at least two virtual leading axles (a; b); AND that the pulse train includes a set of correlated pulse trains, wherein said set of correlated pulse trains are configured to indicate a direction of a movement, increase reliability, and define a zero point.

It is respectfully submitted that since the prior art does not suggest the desirability of the claimed invention, such art cannot establish a prima facie case of obviousness as clearly set forth in MPEP section 2143.01.

Moreover, obviousness cannot be established by combining the teachings of the prior art to produce the claimed invention, absent some teaching or suggestions supporting the combination. Under Section 103, teachings of references can be combined only if there is some suggestion or incentive to do so. The prior art of record fails to provide any such suggestion or incentive. ***ACS Hosp. Sys., Inc. v. Montefiore Hosp***., 221 USPQ 929, 932, 933 (Fed. Cir. 1984).

The application as amended is believed to be in condition for allowance. Action to this end is courteously solicited. Should the Examiner have any further comments or suggestions, the undersigned would very much welcome a telephone call in order to discuss appropriate claim language that will place the application into condition for allowance.

Respectfully submitted,

Michael J. Striker
Attorney for Applicant(s)
Reg. No. 27233
103 East Neck Road
Huntington, New York 11743
631-549-4700